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Attorneys for Plaintiff,
SIX4THREE, LLC, a Delaware
limited liability company

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16   UNITED STATES DISTRICT COURT

17   NORTHERN DISTRICT OF CALIFORNIA

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SIX4THREE, LLC, a Delaware limited   )   Case No. 3:17-cv-00359-WHA
liability company,   )
)   DECLARATION OF DAVID S.
       Plaintiff,   )   GODKIN IN SUPPORT OF
)   STIPULATION TO SHORTEN TIME
v.   )   FOR MOTION TO REMAND
)
FACEBOOK, INC., a Delaware corporation,)
and DOES 1 through 50, inclusive   )
)
       Defendants.   )
)

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1   I, David S. Godkin, declare:

2   1.   I am a partner in the law firm Birnbaum & Godkin, LLP, and counsel for

3   Six4Three, LLC ("643") in the above-captioned action. I have been admitted to practice *pro hac*

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5   *vice* in this matter.

6   2.   I submit this Declaration in satisfaction of Civil L.R. 6-2.

7   3.   The basis for the stipulation to shorten the time for briefing and hearing 643's

8   motion to remand is that the Superior Court case that was removed to this Court by Defendant

9   Facebook, Inc. was set for trial on May 15, 2017. 643 believes that it is important to adjudicate

10 the motion to remand promptly because if 643 is successful in seeking to remand this case, it

11 intends to move the Superior Court to maintain the case on the trial schedule for May 15, 2017.

12 This case was originally filed in the Superior Court, San Mateo County on April 10, 2015.

13 Following several demurrers filed by Facebook, the Superior Court allowed the case to proceed

14 and a trial date was set. The original trial date was postponed over 643's objection when

15 Facebook changed counsel, and the Superior Court assigned the May 15, 2017 date. 643 has

16 limited resources, and indeed was put out of business by Facebook's conduct that is complained

17 of in this case, and believes that Facebook has engaged in delay tactics, including the instant

18 removal petition, in order to impede 643's efforts to resolve its claims as soon as possible. 643

19 therefore sought a stipulation to shorten the time for briefing and hearing on its motion to remand

20 so that, if successful, it can petition the Superior Court to maintain the May 15, 2017 trial date.

21   4.   Facebook has advised that its position is as follows: Facebook disagrees with

22 Six4Three's characterizations of the state court proceeding and parties' conduct, which it

23 believes are belied by the record of the state court proceeding. Facebook has agreed to

24 Six4Three's request for a shortened schedule as a compromise.

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5.   There have been no prior extensions or modifications of time in this case. The matter was removed to federal court on January 24, 2017. There will be no effect on the preexisting scheduling of this case by permitting the parties to proceed on the agreed-upon dates.

6.   I declare the foregoing to be true and correct as of the date listed immediately below.

DATED: January 27, 2017

By: */s/ David S. Godkin*
　　　David S. Godkin
　　　Attorney for Six4Three, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury under the laws of the State of

California, that I electronically filed the foregoing document with the Clerk of the Court using

the CM/ECF system which will send notification of such filing to the following:

Sonal N. Mehta
Laura E. Miller
Catherine Y. Kim
Durie Tangri LLP
217 Leidesdorff Street
San Francisco, CA 94111

DATED: January 27, 2017

By: */s/ David S. Godkin*
        David S. Godkin